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3 PANOCHÉ VALLEY SOLAR FARM  
4 ENVIRONMENTAL IMPACT STATEMENT  
5 PUBLIC SCOPING MEETING  
6  
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10 DATE: Wednesday, August 22, 2012  
11 TIME: 6:30 P.M.  
12 PLACE: Veterans Memorial Building  
13 649 San Benito Street, Room 204  
14 Hollister, California 95023  
15 REPORTER: Lisa R. Maker  
16 CSR License No. 7631  
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A P P E A R A N C E S

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DOUG COOPER & CHRIS DIEL, U.S. Fish and  
Wildlife Service.

MEREDITH ZACCHERIO, AMY CORDLE & JOHN KING,  
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Public: VALENTIN LOPEZ, KEVIN DAVIS, MAXINE  
DAVIS, SUSAN BISKEBORN, LARRY RONNEBERG, SHANI  
KLEINHAUS, PATRICIA MATJCEK & NENETTE COROTTO.

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1 HOLLISTER, CALIFORNIA

AUGUST 22, 2012

2 6:30 P.M.

3 PROCEEDINGS

4  
5 MR. JOHNSON: Hi, folks. Is this thing  
6 working? I have to hold it really close.

7 Well, welcome. Thank you, everyone for showing  
8 up this evening. My name is Cameron Johnson. I'm the  
9 South Branch Chief with the regulatory group with the  
10 Army Corps of Engineers up in San Francisco. And you  
11 guys I'm assuming all know why you're here, right? The  
12 Panoche Valley project is what we're going to present on  
13 tonight. In particular, we're going to present on the  
14 role of the federal government in the process with  
15 regard to the project, the National Environmental Policy  
16 Act, the Clean Water Act and we some additional folks  
17 here from the U.S. Fish and Wildlife Services as well.

18 I want to kind of give you just a brief  
19 overview of what we're going to be talking about tonight  
20 and kind of talk about what the point is, why we're  
21 here, why I am giving a presentation to you and why  
22 you're listening.

23 The first part was just what we're going to do.  
24 A lot of people have been legitimately asking me in the  
25 past two days, why is the Corps of Engineers involved?

1 So that will be the first part, I will explain why the  
2 Corps of Engineers is involved, and why there is a  
3 permitting requirement and what our obligations are  
4 associated with that.

5 I'm going to go through the basics of NEPA and  
6 where we are in the process with regard to NEPA. We'll  
7 have a quick presentation from the project proponent as  
8 well and then at the end we will have an opportunity for  
9 any of you to provide public comment, and I want to  
10 stress before we even start that that really is the  
11 point of this evening is to get public comment. The  
12 National Environmental Policy Act basically requires the  
13 Corps of Engineers to seek input from affected parties  
14 or people who have something to say. We have not made  
15 any kind of decision associated with the project and  
16 that's the idea is that you have a chance to express  
17 yourself.

18 What you need to get out of tonight is you've  
19 got multiple opportunities to do that. So if you are  
20 somebody who wants to speak tonight, you will have that  
21 chance. If you are somebody who doesn't want to speak  
22 but wants to put something down in writing, you have  
23 that opportunity as well, and you will also have  
24 opportunities to provide additional input via E-mail if  
25 that's the way you would like to do it, and there will

1 be additional opportunities as we get further along in  
2 the process as well, okay.

3 Okay, quickly who are we and what's the point?  
4 The regulatory group of the Corps of Engineers has these  
5 basic program goals. So I want to present you these  
6 just so you have an idea what it is we're doing and why.

7 We have an obligation to protect the aquatic  
8 environment, enhance the efficiency, make fair,  
9 reasonable, timely decisions associated with permit  
10 application and achieve no net loss of aquatic  
11 resources. So this is all going to be wrapped up this  
12 evening in the Clean Water Act, and I'm going to show  
13 you some of that as well.

14 Is this thing working okay? I feel like I'm  
15 going in and out. I can't hear very well.

16 Okay, basically authorities for our regulatory  
17 group. It started in 1899 with the Rivers and Harbors  
18 Act. I present this but this because we have that  
19 obligation, but this project has nothing to do with the  
20 Rivers and Harbors Act. So I'm going to put it out  
21 there just so you know. I'll have folks ask about that  
22 is there a Section 10 permit? There is not a Section 10  
23 permit. The Rivers and Harbors Act has to do with  
24 navigation and protection of navigation. The Clean  
25 Water Act, Section 404 of the Clean Water Act is the

1 permission application we have in our office, okay. And  
2 the third law is the Marine Protection Research and  
3 Sanctuary Act. We obviously do not have a Marine  
4 situation here so that one does not apply here either.

5 Limitations of jurisdiction. For those of you  
6 guys who have been on the site or driven through the  
7 site or passed through the site, it's a very legitimate  
8 question to wonder how the Corps of Engineers would be  
9 involved and I'm going to go through that really  
10 quickly.

11 We have an obligation to process permit  
12 applications pursuant to the Clean Water Act for  
13 anything that could be considered a jurisdictional water  
14 of the United States. And some of these waters of the  
15 United States in the more traditional form are very easy  
16 to understand and some of them are a little bit more  
17 subtle. Navigable waters, interstate waters,  
18 tributaries, all waters which could affect interstate  
19 commerce. There's a tie back to commerce. In this case  
20 there are ephemeral drainages on the site that have a  
21 ultimate drainage pattern that takes to the San Joaquin  
22 River which is considered to be a navigable water. In  
23 this case, we have tributaries to navigable waters, and  
24 that's how the Corps winds up with jurisdiction over  
25 this thing. We take a look at the ordinary high water

1 mark. A question last night, hey, there are parts of  
2 this entire valley that floods, how come the Corps  
3 doesn't take jurisdiction over the entire valley? We  
4 only look at the ordinary high water mark, the expected  
5 high water event during most winters. So when you've  
6 got features that are ephemeral, wash through, we take a  
7 look at where that line is, okay. Wetland boundaries,  
8 we also take jurisdiction over wetlands, so things that  
9 are easy to understand as wetlands, those are the ones  
10 that nobody argues about.

11 When we get into these arid regions, we have  
12 wetland features that don't look quite like wetlands but  
13 they are. When we take a look at wetlands, we actually  
14 have three criteria that have to be met: Hydric soils,  
15 wetland plants and wetland hydrology. What that means  
16 is that we've got wetlands on sites that are in very  
17 arid regions. We could go out this time of the year and  
18 we can dig holes and we can identify hydric soils, those  
19 soils that are typically found in wetland situations  
20 where there's anaerobic conditions. We can identify  
21 wetland plants and we can identify the hydrology. We  
22 map these things all year long.

23 Okay, typical. For this part, this slide I  
24 always present this slide to folks because this is the  
25 one nobody can argue about or typically nobody wants to



1     argue about. This is the stuff that people look at and  
2     everybody can agree on. And this photo actually what  
3     you've got the San Francisco Bay in the background. So  
4     nobody argues about whether that is navigable either and  
5     I use it because it's a got a slough that runs down the  
6     center, and it's got very obvious wetlands. Let me show  
7     you how the mapping would turn out on something like  
8     this. So the high tide line -- I'm sorry, let's start  
9     with the mean high water line that's basically the  
10    slough. The mean high water would be the limits of the  
11    jurisdiction associated with Rivers and Harbors Act, so  
12    basically can float a boat on it. You can put a boat on  
13    it.

14           The adjacent wetlands where you see the high  
15    tide line and the abutting wetland, that stuff is  
16    additionally regulated under the Clean Water Act. At  
17    the highest high tide line, Clean Water Act jurisdiction  
18    begins and anything adjacent to it it qualifies that  
19    those three wetland criteria also is regulated under the  
20    Clean Water Act. More pertinent example in arid areas,  
21    you've got features that look like this that don't  
22    necessarily have water running through them that are  
23    still jurisdictional waters of the United States. So if  
24    you pass by features like this, water may be running  
25    through this thing a matter of a few weeks out of every

1 year and some years there might not be any. But if it's  
2 got obvious bed and bank conditions, and it has an  
3 ordinary high water mark essentially the flowing water  
4 is what's creating those beds and bank conditions; and  
5 if it's tributary to the jurisdictional navigable water  
6 we take jurisdiction over those as well. In addition if  
7 you looked at the side that's kind of a green area, if  
8 you do dig the soil pits and you can identify the plants  
9 on those things, those are abutting jurisdictional  
10 wetlands as well. When we do our maps, this is an  
11 oblique view. The maps are in plane view. We wind up  
12 mapping something that looks like this and in the case  
13 of the project that's being proposed, we wind up with  
14 things -- features that look more like this than the San  
15 Francisco Bay.

16 A question? Sure, I suppose so. Let me start  
17 -- I'm going to take your question, but let me start by  
18 saying when we reach the end of the thing, everybody  
19 will have a chance to speak and the object tonight is  
20 get everything down with the court reporter. It's  
21 designed to be more of you stating opinions and  
22 concerns. It's not supposed to be a back and forth. I  
23 know it's a technical thing.

24 But what is your question? I'll be happy to  
25 take it.

1 MS. KLEINHAUS: How often does the water from  
2 Panoche Valley get through navigable waters actually  
3 gets --

4 MR. JOHNSON: How often, the frequency? That's  
5 a great question. When we initially mapped this thing,  
6 we struggled with that in the San Francisco office  
7 because when we were looking at the features on site, we  
8 were having difficulty making that ultimate connection  
9 and in fact our office went so far as to start to think  
10 that they weren't making the connection at all. We  
11 consulted with the Environmental Protection Agency and  
12 they said wait a minute, wait a minute, we actually have  
13 conclusive evidence of that, and they gave us their  
14 report, and we actually went out in the field with the  
15 EPA, they showed us those lines. So what we have to be  
16 able to show that you've got something that meets all  
17 the bed and bank conditions or meets wetland criteria  
18 and ultimately has the connection, we were able to map  
19 connection.

20 MS. KLEINHAUS: And that's going to be in the  
21 EIS?

22 MR. JOHNSON: That will be part of the EIS  
23 record, yeah. That's how the Corps' established  
24 jurisdiction.

25 MS. KLEINHAUS: Is it online or anywhere to see

1 it already?

2 MR. JOHNSON: I will get to it shortly. Yes,  
3 there is a website that will have all the pertinent  
4 information for the project.

5 THE REPORTER: Get her name for me, please.

6 MR. JOHNSON: What was your name, I'm sorry,  
7 for the record?

8 MS. KLEINHAUS: Shani Kleinhaus with Santa  
9 Clara Audubon Society.

10 MR. JOHNSON: Thank you.

11 Okay, NEPA overview. So just so we're keeping  
12 track, I just switched gears. I switched laws on you.  
13 The Corps of Engineers established jurisdiction under  
14 the Clean Water Act or Rivers and Harbors Act. As a  
15 part of the processing of the Clean Water Act permit,  
16 we're required by the National Environmental Policy Act  
17 to do a couple of things.

18 Number one, we're required to consult with  
19 other federal agencies, and this came about because back  
20 in the sixties there were cases where you've got federal  
21 agencies that have competing federal interests that were  
22 issuing permits were contrary to the brother and sister  
23 federal agencies. So now we're required, the federal  
24 government is required on any federal action to consult  
25 with other agencies within the federal government that

1 may have a concern.

2 The other thing dropping right down at the  
3 bottom is it gives -- it requires the federal agencies  
4 give the public a chance to comment and express  
5 concerns. NEPA documents are designed to be disclosure  
6 documents. So they allow folks to express their  
7 concerns. The federal agencies are required by law to  
8 consider those concerns prior to making any permit  
9 decision.

10 Now one of the key points, the federal action  
11 in this case is a permit from the Corps of Engineers  
12 whether the Corps of Engineers will issue a permit for  
13 impacts to those federal features on this project site.  
14 The Corps of Engineers is not issuing a grading permit  
15 to go out and build a solar plant, okay. The Corps of  
16 Engineers' decision is whether or not to issue a permit  
17 to impact ephemeral water. It's associated with bridge  
18 projects; but because of NEPA, the Corps is required to  
19 consult with the other federal agencies, okay; and in  
20 this case, we have had other federal agencies who have  
21 some concerns, and we have made the decision that the  
22 other concerns that are out there require us to take a  
23 broader look at the entire project. So ultimately the  
24 permit is associated with the Clean Water Act only, but  
25 we're required to consider the entire project, so that's

1 where we are. We've got two federal agencies involved,  
2 the Corps of Engineers is the lead agency and the U.S.  
3 Fish and Wildlife Services is the cooperating agency.  
4 We have Doug who is from the U.S. Fish and Wildlife  
5 Services. Do you want to officially explain your role?

6 MR. COOPER: Hi, good evening. As Cameron  
7 mentioned, my name is Doug Cooper. I'm with the U.S.  
8 Fish and Wildlife Service in the Ventura Fish and  
9 Wildlife office. I supervise the portion of our office  
10 that has jurisdiction over Santa Cruz, Monterey, San  
11 Benito and the northern half of San Luis Obispo County.

12 As Cameron mentioned, the federal action in  
13 this case is the decision whether or not to issue a  
14 Clean Water Act permit. NEPA requires that they  
15 evaluate affects to the environment. Also the  
16 Endangered Species Act requires that a federal agency  
17 when undertaking an action consult with the Fish and  
18 Wildlife Service to evaluate impact to endangered  
19 species. We have recognized that there are a number of  
20 endangered species that occur on or around the project  
21 site, and the Army Corps of Engineers has requested that  
22 we assist them with our biological expertise and  
23 technical assistance in evaluating the project's  
24 potential impact on these species, so we are doing that  
25 under NEPA. That's the process we're looking at today,

1 beginning today and we are also evaluating the impacts  
2 of the project in a parallel analysis under the  
3 Endangered Species Act. So that will be a separate  
4 analysis but it's parallel and essentially joined to  
5 this NEPA analysis. So the Corps is the lead agency.  
6 We are functioning as a cooperating agency to assist  
7 them in the biological aspects.

8 MR. JOHNSON: Thank you.

9 Okay, these are just the laws. NEPA 1969, the  
10 CEQA regulations came out shortly after NEPA that  
11 required all the federal agencies to develop their  
12 protocols for implementing NEPA, and the last one is the  
13 citation for -- specifically for the Corps of Engineers  
14 implementation of NEPA. So we have our own set of  
15 guidelines, tells the Corps of Engineers how to go about  
16 doing that.

17 As a part of any NEPA analysis, and we have to  
18 do an analysis of public interest review factors. In  
19 every single permit that is issued, we have to do an  
20 evaluation of all these public interest groups. In  
21 fact, these are not all of them.

22 In the case of Environment Impact Statement, it  
23 can be a very in-depth analysis. Okay, air quality,  
24 biological resources, threatened endangered species and  
25 in particular that's why you have the fish and wildlife

1 services involved, cultural as well, environmental  
2 justice, geology, noise, public health. There are a lot  
3 of things that need to be addressed on each of these  
4 reports.

5           How does NEPA work? Well, we take a look at  
6 these projects and in general we do a first run analysis  
7 of them, and we have to make a decision as a federal  
8 agency how much additional analysis needs to be done  
9 prior to us making a permit decision, okay. This slide  
10 actually should be turned upside down, I think because  
11 the categorical exclusion basically means that you've  
12 got a project that doesn't need to have further  
13 additional analysis. If that's the case, we're  
14 typically able to then issue our federal permit, our  
15 Clean Water Act or Rivers and Harbor Act permit.

16           The next step in between is an environment  
17 assessment. We go through all those public interest  
18 review factors. We write a relatively brief assessment,  
19 and we're able to issue a permit with any of these  
20 permit actions, we're required to consult with other  
21 federal agencies where it is necessary.

22           And in the third case Environmental Impact  
23 Statement. That's the big disclosure document. That's  
24 where we are with this project. In any case where we've  
25 got a project where we've decided that there's a



1 potential for a significant affect on any of the public  
2 interest review factors, we typically go to that level.

3         This is how the process works. We start with a  
4 notice of intent. Notice of intent for this project was  
5 published in the federal register last month I believe  
6 on the 17th, I believe. We're right at the beginning of  
7 the scoping process. The biggest part of the scoping  
8 process is what we're doing right now. We're asking for  
9 members of the public. We're asking for members of  
10 other federal agencies. We're asking for anybody who  
11 has any kind of stake or concern to let us know what we  
12 should be taking a look at. If don't go down on record,  
13 then we often times will miss something. It's not  
14 because we are intentionally missing something, it's  
15 because we didn't know. We take a look at the most  
16 complete record that we can.

17         So the public scoping process which we're in  
18 right now. You've got 30 days to provide comment, again  
19 you can do that tonight. You can do that in writing or  
20 you can do that by E-mail later on. Production of an  
21 Environmental Impact Statement, we consider all the  
22 comments we receive. We take a look at all the studies  
23 and we try to come to permit -- we try to come to a  
24 decision whether or not the project will be approved.

25         There's an additional comment period upon

1 publication of the draft Environmental Impact Statement  
2 which is 45 days. An additional public hearing  
3 associated with that, so we will be back here again upon  
4 the publication of the draft EIS and then there's a  
5 final and ultimately there is a record of decision.  
6 Three distinct points during the process where you guys  
7 will have an opportunity to provide input.

8           Where are we in the process? Well, we've got  
9 an application for a Clean Water Act permit. We made  
10 the determination that upon the initial review that we  
11 have a project that has a potential for significant  
12 impact to public interest review factors, and we are  
13 starting an EIS process. We're right in the middle of  
14 the public meeting process, okay. Comments due  
15 September 7th, I think I put this on the presentation on  
16 three different locations and also on the comment cards  
17 as well. Okay, so we'll take a look at comments. We're  
18 expecting if everything goes smoothly, a draft EIS will  
19 be available in spring 2013 sometime and final in fall  
20 of 2013 followed by the ultimate record of decision.

21           Okay, again comments September 7th.

22           MS. KLEINHAUS: I'm sorry, we already  
23 submitted comments. Are those still going to be  
24 included or do we have to resubmit them?

25           MR. JOHNSON: I think the comments you may have

1 submitted previously may have been for the California  
2 Environmental Quality Act or was it associated with --

3 MS. KLEINHAUS: Those were scoping comments  
4 that we submitted to Katerina I think in March 2011.

5 MR. JOHNSON: Public Notice.

6 MS. KLEINHAUS: So we need to resubmit?

7 MR. JOHNSON: You can chose to resubmit those.  
8 Those comments are associated specifically with the  
9 Clean Water Act permit, so if you want to add additional  
10 stuff or consideration during the NEPA process, you may  
11 do so. If it's the exact same set of comments, you  
12 don't necessarily need to do so. They're part of our  
13 record.

14 Okay, one of things I want to make clear I  
15 didn't hit earlier in the presentation is the Corps of  
16 Engineers is not a proponent for any application. So we  
17 take these applications, we run them through a process.  
18 If we have folks who have projects who meet all of the  
19 permitting requirements and ultimately meet the test  
20 under NEPA and the Clean Water Act, we issue permits;  
21 but we don't promote projects and we don't oppose them  
22 either.

23 Okay, we have a website set up and our intent  
24 is to populate this website with all of our basic  
25 information. I believe the public notice is already up

1     there, and you can visit that any time. You can also  
2     E-mail Katerina.

3             At this point, I'm going to turn over the  
4     microphone to the project proponents who will give you a  
5     brief presentation on the project itself.

6             MR. CHERNISS: Thank you. Gotcha. Okay, my  
7     name is Eric Cherniss. I'm with the Panoche Valley  
8     Solar Farm, and we're here to talk about the --

9             MR. JOHNSON: It's actually working.

10            MR. CHERNISS: The feed back. We're going to  
11     talk about the Panoche Valley Solar Farm. So fairly  
12     quickly I know we've all seen different maps. This is  
13     the map of the northern part of the Panoche Valley, and  
14     the project that's been proposed is approximately 399  
15     mega watts, and it's proposed as we said in the northern  
16     part of the valley. We'd like to point out here is  
17     Panoche Valley. For those who don't know where the  
18     Panoche Valley is, it is in a portion of San Benito  
19     County and just west of the county line between San  
20     Benito and Fresno.

21            So fairly quickly what I wanted to do is take a  
22     few seconds. This project has been in the county under  
23     development for a number of years and historically the  
24     project was proposed by a group called Solargen Energy  
25     and so Solargen Energy was acquired or the assets were

1 acquired by a group called PV2 Energy and then  
2 essentially PV2 Energy did a joint venture with Duke  
3 Renewables. What I want to do fairly quickly is cover  
4 who Duke is, what Duke Renewables -- what that entity is  
5 and then quickly so you guys know who you're dealing  
6 with as the project applicants.

7 And so Duke Energy is a holding company, a  
8 utility that has 7.1 million customers across six  
9 different states. They've been operating for  
10 approximately a hundred and 50 years, mostly out of the  
11 east. They're a Fortune 250 company, have approximately  
12 30,000 employees, 58 gigawatts or 58,000 megawatts of  
13 energy that they produce, and approximately a hundred  
14 billion dollars of assets.

15 Now Duke, as a wholly owned subsidiary, Duke  
16 Renewables that focuses on Duke's activities in the  
17 renewable space. They also have activities on the  
18 regulated side. This is on the unregulated side  
19 development renewable project solar and wind and this  
20 project falls under that category. So Duke Renewables  
21 has 1.1 gigawatts of renewable energy. About another  
22 800 megawatts of projects that are under construction  
23 just this year and about three billion dollars of  
24 capital have been vested since 2007. This has been a  
25 growth point for Duke.

1           And just to reiterate, PV2 Energy which  
2     acquired the assets of Solargen did a joint venture with  
3     Duke Renewables and the project of the applicant is  
4     Panoche Valley Solar, LLC. That's who the project  
5     applicant is just so you know who those people are. So  
6     I actually work with PV2 Energy, and I've got an  
7     associate here Reed Wills here who works was Duke  
8     Renwables. Excuse me.

9           Just a quick overview on the project. So site  
10    control, the project currently controls approximately  
11    26,000 acres of land in and around the Panoche Valley.  
12    About 2500 acres will be utilized for the solar farm  
13    itself, the actual facility and approximately 23,000  
14    acres for mitigation. The facility will take a plan and  
15    its fairly typical project to have impacts on land to  
16    provide additional resources to offset those impacts  
17    located in San Benito County.

18          Solar resource, so this is one of the reasons  
19    that brought the project to this site is the solar  
20    resource in the Panoche Valley has approximately 90  
21    percent of the Mojave Desert, so we have a very good  
22    resource separate from the central valley folks and also  
23    separated from the marine layer out in the coast. Many  
24    days you can go out there and you can see the rain  
25    clouds around but nothing actually in the valley.

1 That's one of the reasons why we're attracted to this  
2 project site.

3           Transmission, not only do we have a good solar  
4 resource, but we do have existing transmission lines.  
5 So don't need to build new transmission lines to get the  
6 power off the site which is extremely difficult right  
7 now in the state. We have aging infrastructures so  
8 trying to find locations within the state where there  
9 are existing transmission lines not only will save the  
10 utility that eventually buy the power will save them  
11 money and allows them -- allows us to produce energy at  
12 a cheaper rate than if we had to put significant  
13 transmission infrastructures in.

14           And permits, as we mentioned previously, many  
15 of the discretionary permits have been completed for the  
16 project. We've gone through the California  
17 Environmental Quality Act, we produced a Environmental  
18 Impact Report that will be similar to the NEPA analysis  
19 that we're going through here but that was the focus on  
20 the state and now we're on the federal process. There  
21 was a CUP, Conditional Use Permit, that was approving  
22 this project from the county point of view and there was  
23 development agreement which was executed which is the  
24 project relationship with the county and how we're going  
25 to act together going forward and so not only just

1 taking one second, not only did Solargen sign that but  
2 that agreement was passed on to Panoche Valley Solar, so  
3 all the agreements that were in place remain in place.  
4 And there was a Williamson Act contract portion of the  
5 law is contracted through Williamson Act and those  
6 contracts were canceled.

7 Just a quick highlight of benefits of the  
8 project. We have economic benefits. There will be  
9 hundreds of jobs that are created out there. It's hard  
10 to pinpoint the exact number. There are not a whole lot  
11 of large scale of solar farms that have been constructed  
12 anywhere in the world. There will be hundreds of jobs  
13 created during the construction time frame. Priority  
14 hiring will be given to San Benito County residents.  
15 That was something memorialized in the development  
16 agreement between the project applicant and San Benito  
17 County. Of course, there will be solar training and  
18 coordination with San Benito One Stop Career Center  
19 which is near the airport. And annual contribution to  
20 the San Benito County general fund. All those have been  
21 enumerated in the development agreement with the County  
22 of San Benito.

23 Land resource benefits, as we said  
24 approximately 23,000 acres of mitigation land. One of  
25 the key pieces there highlighted is the Silver Creek



1 Ranch which when U.S. Fish and Wildlife Services take a  
2 look at impact of farming and agriculture on the central  
3 valley one of the things that they noticed was that for  
4 three of the key endangered species that we have that  
5 the Silver Creek Ranch was extremely beneficial. They  
6 called it out of the many recovery plans of what's  
7 required that was one of the pieces of property that we  
8 acquired for this project specifically. And we  
9 conducted approximately 20,000 hours of environmental  
10 surveys whether it be looking for biological species or  
11 looking at the geology of the site, the hydrology of the  
12 site. We've been out and about on this project since  
13 2008, beginning of 2009 time frame.

14 Environment Benefits. So approximately 90  
15 power -- 90,000 homes, 250 -- will displace about  
16 250,000 tons of CO2 annually, which is probably the  
17 equivalent of 49,000 cars removed off the road.

18 From a project timeline, this is all estimated  
19 but just historically where we've been and where we're  
20 going. We started planning the project in 2009 with the  
21 County of San Benito. We've been going through  
22 permitting. We had an environmental impact report which  
23 was issued in 2010, at the end of 2010 and then coming  
24 up in 2013 where there's an execution out of the  
25 interconnection agreement. So not only do we need to

1 have permits to do construction on the project, but we  
2 need permits to be able to put the energy onto  
3 transmission grid. We've been going through a number of  
4 processes to study what happens when the energy goes  
5 onto the grid, where does it go, what other systems  
6 around this part of California do we actually affect?  
7 So that's coming to the beginning of next year, and then  
8 construction. So right now the time frame for  
9 construction would start in 2013, where we would have a  
10 jobs fair, and then we would most likely start  
11 construction at the beginning of 2014 and the driving  
12 factor of that specific date of when construction would  
13 occur is based off of executing a power purchase  
14 agreement. So not only do we need to permit the  
15 construction activities on the land, we need to permit  
16 the use of the transmission lines and then we need to  
17 have an off taker, a group that would be buying the  
18 electricity from the project applicant. So if they want  
19 power sooner, we would start construction sooner. If  
20 they wanted it later, we would start it a little bit  
21 later, but it's going to be approximately in that time  
22 frame. And then when the construction is completed,  
23 we'd go into an operation phase which is expected for  
24 this specific project to be somewhere between 25 and 35  
25 years and so that's another one of the reasons why Duke

1 was part of this project is Duke's not only involved  
2 with the development of the project where we're at right  
3 now, construction of the project but also long-term  
4 ownership and operation and maintenance of the project.

5 That's all I have.

6 MR. JOHNSON: Okay. So we have a few folks who  
7 want to speak and again let me stress that's the whole  
8 point I want to hear from folks. A couple of kind of  
9 basics, we're going to start off with a three minute  
10 window, so you guys will have about three minutes to  
11 speak. If we get through the whole list which I assume  
12 we probably will, then folks who wanted to say  
13 additional or want to have additional time we're  
14 planning on being here 'til 8:00 o'clock.

15 The other thing is keep in mind what we're  
16 doing tonight is designed to be you guys expressing your  
17 concerns. It's not supposed to be a back and forth  
18 question and answer period; but hopefully, we'll be  
19 done, and we'll be available so if you guys have  
20 additional questions that have come up during the  
21 presentation you grab one of us afterwards.  
22 Additionally along those lines, if you have a  
23 conversation with one of us afterwards and want to have  
24 additional information put into the public record, you  
25 can still do that in writing or provide E-mails to

1 Katerina, okay.

2 The contact information is on the bottom of  
3 these comment cards. So you don't need to scramble to  
4 get those written down, just grab one of the cards.

5 So you guys will have -- forgive me and bear  
6 with me when it comes to pronunciation of names I'm  
7 notarius.

8 The first person is Val Lopez.

9 MR. LOPEZ: Good evening, and thank you for  
10 this opportunity. My name is Valentin Lopez. I'm the  
11 chairman of the Amah Mutsun Tribal Band. It is upon our  
12 tradition of the tribal territory that this Panoche  
13 Valley project is being proposed or offered forced on.

14 It is our tribal belief that the creator Amah  
15 Mutsun is his territory for the purpose of protecting  
16 and conserving the land of Popelouchum and the  
17 waterways. And part of that protection that we have  
18 includes the wildlife, our four legged brothers; the  
19 rivers, streams and creeks, our fin brothers and the  
20 flight paths of our wing brothers and so all of those  
21 are of great concern to us and you're going to hear a  
22 lot of comments tonight regarding the concerns of  
23 regarding wildlife, fish and wildlife, and we echo all  
24 of those as well. I'll let them speak for themselves,  
25 and I'll stay with the cultural.

1           There was a study, environmental study done  
2 earlier but that was a surface study only and because of  
3 the runoff, probably annual runoffs and everything else,  
4 a lot of our cultural resources were buried because they  
5 were not identified during that -- during that study  
6 doesn't mean they're not there. We are certain there  
7 are hundreds and perhaps thousands of our ancestors who  
8 were buried there and every time -- and that's a great  
9 concern to us. Whenever they do the construction,  
10 there's a number of emissions, concern to us regarding  
11 the construction. Number one, is the steel poles. A  
12 lot of times with the steel poles there's a lot of  
13 contaminants in the steel. There is arsenic, cadmium  
14 and a lot of other toxic chemicals and stuff like that  
15 that go into the steel and so whenever you have over a  
16 million of those poles driven into the ground, I mean  
17 you have the potential for leaching and runoff and going  
18 into the waterways is great.

19           Another problem that we have is that whenever  
20 they do the pile driving of those poles into the ground,  
21 there's no ground disturbance at that time. So people  
22 like to say there's no ground disturbance on that  
23 project, that's not true because there's going to be  
24 exit strategy at some point where they're going to have  
25 pull a million poles out of the ground and our feeling

1 and our worry is every time they pull a pole out, they  
2 will be pulling out the remains of our ancestors who  
3 will be coming to the surface. That's a great violation  
4 of what our spiritual beliefs are. Our spiritual  
5 beliefs are whenever remains are disinterred or brought  
6 up to the surface, et cetera, that person's spirit is  
7 brought back from the other world and that person cannot  
8 return until there's a complete and full burial. Well,  
9 when you're dealing with a bunch of tiny fragments and  
10 stuff like that it's very hard to achieve the spirit of  
11 our ancestors never being able to be put back at rest  
12 with this project.

13           Let me see. I'm sorry. My eyesight is going.  
14 I have to put it right to my face. We do request  
15 government to government consultation with the Army  
16 Corps of Engineers on this, and we hope that could be as  
17 soon as possible. You will be receiving a letter from  
18 us expressing our concerns and those concerns will be  
19 concerns that we previously submitted, and our number  
20 one priority as a tribe is the reburial of remains  
21 brought up, that's more important than federal  
22 recognition, that's more important than our dance, our  
23 ceremony is the reburial and that's given to us by our  
24 ancestors and our elders and that's a major concern  
25 because the -- you know, whenever the pile driving and

1 stuff like that and they will be pulverized and how do  
2 we deal with that and that's -- I thank you for that.

3 MR. JOHNSON: Yeah, thank you.

4 Mike Ferreria.

5 MR. FERREIRA: My name is Mike Ferreira and I'm  
6 the conservation chair for the Loma Prieta Chapter for  
7 the Sierra Club and I want to thank you for clarifying  
8 for us what this process is all about. Just to make  
9 sure for our commentary to come, my understanding is  
10 that the Army Corps of Engineers because of this one  
11 permitting for bridges is now the master agency so to  
12 speak in consultation with other agencies for this whole  
13 EIS covering all federal aspects of this program. That  
14 is correct?

15 MR. JOHNSON: That's pretty much it, yes, sir.

16 MR FERREIRA: When we comment across the whole  
17 thing we want to try to be commenting on federal aspects  
18 and not the things we might comment on within the state  
19 jurisdiction; is that correct?

20 MR. JOHNSON: Yes, sir.

21 MR. FERREIRA: Thank you.

22 MR. JOHNSON: Kevin Davis.

23 MR. DAVIS: I'm going to deviate slightly  
24 because I want to clear this rumor put about by Eric  
25 when he put in for the removal of this land from the

1 Williamson Act, he put this rumor out saying that the  
2 water is contaminated. I tried to research what kind of  
3 contamination they're talking about and I did come  
4 across the water report that turns up three months after  
5 his request to remove this land. But on June the 1st  
6 Geologic came up, and I'll cut to the chase here they  
7 say, "In summary the groundwater encountered by the  
8 existing wells on site appear to be acceptable, meets  
9 primary drinking water standards."

10 Now if something is good enough to actually  
11 drink it should be good enough to grow something on. So  
12 it goes on.

13 "In addition, it is acceptable for irrigation."  
14 It does go on with a caveat with slight to moderate  
15 restrictions for sensitive plants because of the boron.  
16 Most of the plants that we call farming, leafy greens  
17 and they come from the Brassica family and they require  
18 boron. So when you say it's contaminated, obviously  
19 it's not for growing or for drinking so what could be  
20 contaminated for. Well, the only thing I found out that  
21 you can't use this water for and the state its in and  
22 that's for washing solar panels. To get the water to a  
23 standard where it's pure enough for solar panels, you're  
24 going to have to create this whole water processing  
25 plant with evaporation tanks and everything using



1 reverse osmosis machines will tell you, yes, you put in  
2 a lot more water than you get out. In fact, you're  
3 talking about 17 and a half acre feet of water a year.  
4 I don't know if that's before or after you've cleaned  
5 the water because if that's how much you need to clean  
6 your solar panels that number is going to escalate to 50  
7 acre feet and a hundred acre feed, and this goes on, and  
8 this is pure drinking water that we're going to have  
9 millions and millions and millions of gallons simply  
10 evaporate into the atmosphere. Our pump, out of our  
11 aquifer just so that they can wash their solar panels.  
12 This I find a travesty. And also I think this is a lie.  
13 Why does this keep coming back to us? I even heard a  
14 judge and his conclusion used the words Blah, Blah, Blah  
15 because the water is contaminated Blah, Blah, Blah,  
16 Blah, Blah, so can we please stop right now saying that  
17 the water is contaminated because it's not. We drank it  
18 last night. That is the most polluted well in the  
19 entire valley according to the water reports, the worst  
20 well you can find in the entire valley. It's not an  
21 agricultural well. It is the well currently being used  
22 for drinking water of Panoche School and that is here  
23 evidently on this page 18 of the water report. Thank  
24 you very much. That's all I've got to say.

25 MR. JOHNSON: Maxine Davis.

1 MS. DAVIS: Thank you. So basically I just  
2 want to talk about my concerns about the project in  
3 Panoche Valley which I hope the Army Corps of Engineers  
4 looks into. One of the big ones is that the valley is  
5 already being used or conserved I should say for  
6 agricultural use, cattle ranching, farming, vegetable  
7 farming, nuts, fruits. We have a dairy in the valley.  
8 We have livestock. We keep pasture ranged pigs out  
9 there. Our neighbors have a horse ranch; and when we  
10 think of this project coming in to cover over half the  
11 valley and disturb the ground surface land, raising up  
12 the dust which is going to affect our air quality in  
13 Panoche. It is definitely going to affect our ground  
14 water in Panoche. The sound of the project being built  
15 over how many years is going to affect the livelihood of  
16 the people, the animals, everybody that's in Panoche  
17 right now. So I'm concerned over the impact that that's  
18 going to have. There's also talk about mitigation land  
19 when I feel that the valley is already being conserved.  
20 So the idea that they're setting aside land to conserve,  
21 it's kind of ridiculous because it's already being  
22 conserved for agricultural use. You're taking it out of  
23 agricultural use. Well, we're going to save this over  
24 here for the species. So I'm curious -- I'm wondering  
25 if the report's going to show are these endanger species

1 actually going to migrate over to this mitigation land  
2 or their habitats are going to be disturbed and going to  
3 de cease and be exterminated basically. So how valuable  
4 is really the mitigation land? Is it a correct portion  
5 of mitigation land. Can you mitigate a grassland valley  
6 in California where there's specific species of animals  
7 occurring only in this valley?

8           So impacts, the other impacts that I'm  
9 concerned about are the lighting of night skies. We  
10 currently have pitch dark nights. There are certain --  
11 we have a huge owl population in Panoche and bats that I  
12 feel would be negatively affected not only by the sound  
13 of the project and the lights. We won't have the same  
14 skies so those spices will likely go elsewhere or die.

15           Air quality is a big concern from the  
16 disturbing the surface of the land. We have an  
17 interesting type of soil that's been known to carry the  
18 same parcels that have anthrax in it and causes the  
19 Valley Fever. So I'm concerned over these huge surface  
20 areas being disturbed and the winds in Panoche are quite  
21 often in the summers. The rest of us who live and work  
22 out there are going to be affected by that impact. I'm  
23 hoping your studies looks into those things.

24           Thank you.

25           MR. JOHNSON: Larry Ronneberg.

1           MR. RONNEBERG: Thank you. And I want to thank  
2 you for having this opportunity. My name is Larry  
3 Ronneberg and I'm from Mercy Hot Springs. We're not in  
4 the valley but we're along the road that goes from I5 to  
5 the valley, and we have a lot of concerns. The primary  
6 one first off and the first one is noise. If I remember  
7 correctly, the estimate of traffic, construction traffic  
8 five years is going to be approximately 500 to 580  
9 vehicles per day, 24 hours a day, six days a week. Our  
10 guests which amount to -- currently we've had over  
11 30,000 guests in 16 years at our place. It's growing at  
12 1,500, 2000 new guests that have never been there per  
13 year; 6,000 to 7,000 repeat guests per year, and we're  
14 having a current growth rate of 15 to 20 percent per  
15 year. They come there for quiet. They come there for  
16 dark skies. They come there for clean air, no  
17 pollution. We are off the grid. We're a pro  
18 photovoltaic kind of business because we have to be, but  
19 we put the power where we need it. We're not pulling it  
20 from miles and miles and miles away. So you need to  
21 look at the inefficiency of this system.

22           Now you have to pump water to clean panels.  
23 You have to convert it from DC to AC. You have to boost  
24 it up to voltage. Then you have to transmit it to where  
25 it's going to go and then you've got to drop back down.

1 I did an analysis. You lose about four percent of the  
2 power. You're only going to get 17 percent right off  
3 the bat. What do you actually net at a person's house?  
4 I think very little. Because you're having -- it's like  
5 you're building this project just to build it, but  
6 what's the real net affect? What is the customer  
7 actually going to get? We were worried about exhaust,  
8 pollution, trucks going by. We have prevailing winds  
9 that blow right toward our campsites and our cabins.  
10 You have jake brakes or engine brakes. You have the  
11 acceleration of vehicles going up the hill to get to the  
12 Panoche Valley and then you have them rumbling down  
13 empty with rattling trailers. Do you want to camp  
14 there? You will now today but not in the future.

15 What are the road conditions? Road conditions  
16 from us are actually much better than what's in San  
17 Benito County, but this is a San Benito County project.  
18 Does Fresno County know about this? I probably don't  
19 think so. We will lose business if this happens. Our  
20 projected -- right now we employ two full-time, two  
21 part-time people. In 2013, we expect that to be three  
22 to four full-time and two part-time. In 2014, if we  
23 continue to grow like we are and there's no reason to  
24 believe that's going to change even in this economy,  
25 we'll have eight to ten full-time employees and two to

1 four part-time, not if this project goes forward. We  
2 will probably be looking to find somebody to give a bill  
3 to each year for our lost business.

4 When I think about the efficiency of the solar  
5 farm and I've heard and I'd like to be corrected if I'm  
6 wrong here, if it's built that in 30 years it will be  
7 torn down. Why? Whose brain child was that one? Solar  
8 panels, yes, they can wear out, but you can replace  
9 them. You can put new inverters in and they'll probably  
10 be more efficient but there's no reason for them to  
11 break. The ones that we have are nearly 15 years old.  
12 They work just as good today as they did when we  
13 installed them. So why would you tear it down? Why  
14 would you bother the soil, and I think this is maybe a  
15 good indication how bad this design is. Why -- it's not  
16 like a car that wears out. The wires don't wear out,  
17 the racks down wear out. They're going to rip it up and  
18 disturb the land again. I'm not for this project; but  
19 if I was doing it, I would say let's see how we can  
20 continue this beyond the 30 years but that's not in  
21 their plan. If it is, I'd sure like to hear it.

22 Bird watchers. We have 300 annual bird  
23 watchers per year and that grows. They come to us to  
24 see owls, hawks, finches, birds of all kind. They  
25 actually make a nice circle around us. They go past us.

1 They go into Panoche Valley. They spend time there.  
2 They'll go on to Hollister and actually go over to 152  
3 and whether they go one direction or the other, they  
4 actually make a good circle around us. If this project  
5 goes through, I think that will decrease significantly.

6 We have an observatory across the road from us.  
7 Guess which direction their telescopes are looking most  
8 of the time? To the south, to the Panoche Valley but  
9 no, they're going to have lights on at night to keep  
10 their place lit. Doesn't that sound kind of silly.  
11 We're going to produce power during the day to pump  
12 water to clean the panels to keep our lights on, and we  
13 may end up with just a little bit of net efficiency that  
14 somebody out there will actually get some power that's  
15 actually usable.

16 We have solar lights on the ground that get  
17 lit -- they get powered up during the day and shortage  
18 of winter nights because they're short unfortunately  
19 they go off about 5:00 a.m. Where we live and breathe  
20 this and I look at this project and I go this is  
21 somebody's brain child who wants to build a car that  
22 they can't drive really because it cost too much to take  
23 it out on the road. Maybe in 30 years, they're going to  
24 sell it to somebody who wants it just because it's a  
25 historical piece of junk because somebody thought it was

1 cool. This is not a cool project, and I hope that your  
2 organization will come and talk to us about how it's  
3 going to impact our business because I am one of several  
4 people who have put years and years and years of effort  
5 into restoring. Go to our website, there's a comparison  
6 what we started with 16 years ago, and I'm shaking here  
7 because I'm afraid my life will be gone and my dream for  
8 somebody who wants to build a super car that can't be  
9 driven. Thank you.

10 MR. JOHNSON: Thank you very much. Susan  
11 Biskeborn.

12 MS. BISKEBORN: Thank you. Mainly, I have a  
13 question. I work at Panoche and I've worked in the  
14 school for the past six years. I teach music. This is  
15 a community. The fact that they have -- they call  
16 themselves the Panoche Valley means that there's a  
17 culture, there's a life there, and I'm wondering, my  
18 question is can Duke provide the name of a comparable  
19 site where you've put solar panels within a community?  
20 This might not be house upon house, postage stamp houses  
21 but this is a really vital community. It's where I get  
22 my milk, my meat. It's where I teach children. They've  
23 made the effort to get culture there, art, music, and  
24 they have a fine school. The solar panels are going to  
25 be surrounding their school. What is the effect on



1 children looking at those instead of the cows? On my  
2 commute, what is going to be my traffic jamb will it be  
3 the cattle drive where I have to stop or is it going to  
4 be trucks and dust?

5           The wind there I can attest to. I have  
6 gotten -- I've gotten out of my car and been unable to  
7 open my car door, that is no joke. That is how strong  
8 that wind is even though I do have a small car but the  
9 wind is that strong that you cannot open a car door  
10 sometimes. That dust is going to be going past the  
11 children. They have a wonderful life there. They live  
12 in this community. They learn in this community. So my  
13 question is do you have comparable site where you've put  
14 a solar panel project in a community? They call  
15 themselves the Panoche Valley. They're not really  
16 Paicines. They want to be called the Panoche Valley.  
17 Do you have a similar site where you've put solar panels  
18 in the middle of people's lives and have you followed up  
19 on that? So thank you very much. I hope you can  
20 provide me with something and also have you had similar  
21 opposition and what's been the effect?

22           MR. RONNEBERG. When the issue of dust was  
23 mentioned, this is something that is very, very very  
24 dear to me. A few years ago, my life partner or my  
25 wife, although we're not married, we might as well be

1 was misdiagnosed with lung cancer. She actually had  
2 Valley Fever. If any of you know what Valley Fever is  
3 and what it does, it knocks you on your butt. You have  
4 no energy, and I was looking at the possibility of  
5 losing her. When we finally found out that it was  
6 coccidioidomycosis which is an airborne bacteria fungus,  
7 gets in your lungs and it grows because it's got a  
8 healthy environment. It sits dormant in the ground  
9 until it gets a little damp, then the wind comes up  
10 still growing airborne. A lot of pets, a lot of animals  
11 get it because they sniff the ground. So I hope in this  
12 analysis something that has never been talked about but  
13 is looked at very closely is when you scrape the ground  
14 and you get all that dust in the air, how many people in  
15 that valley, how many children, how many animals, how  
16 many of us, how many adults are going to come down with  
17 something that they may end up being antifungal for the  
18 rest of their lives? Thank you.

19 MS. KLEINHAUS: My name is Shani Kleinhaus from  
20 the Santa Clara Audubon Society where we opposed this  
21 project from its start because of the vast areas of  
22 Panoche Valley is a place very, very important to our  
23 bird community and our community comes there often.  
24 Many, many people go for day trips, some stay there, but  
25 some do not. For us, it's a really, really important

1 place which doesn't exist anywhere else anymore. There  
2 are no places like Panoche Valley where wildlife and  
3 birds can still survive and talking about the endangered  
4 species, a very unique constellation of birds that  
5 migrate there and birds that stay year round. So a few  
6 things and of course, we are also interested in the  
7 endangered species as a whole and their habitat. One  
8 thing, we're asking is for comprehensive analysis that  
9 includes not only the alternative that were included in  
10 the CEQA's documents but additional places where a  
11 project can be constructed without impacting endangered  
12 species, wintering birds, mountain clovers and other  
13 species that we care about.

14 Another thing we're asking for, we found that  
15 the project description of CEQA process was very  
16 inconsistent so different descriptions as to what kind  
17 of structure would be constructed. There were buffer  
18 zones that if you added them altogether would leave no  
19 project at all. We would like to see something very,  
20 very comparative and not as inconsistent as the project  
21 description was. We would like to see a very strong  
22 analysis of the hydrology and what would happen when the  
23 water that flows on the surface and there is a lot of  
24 surface flows when storms hit, what happens when that  
25 hits, those poles or other structures that are hitting

1 and what kind of erosion will be done from that, and we  
2 think that the potential for erosion has not been  
3 analyzed by CEQA at all and that it's huge and should be  
4 very, very carefully analyzed.

5         The issue of the noise, impacts of noise on the  
6 endangered species there, impact of pounding, both on  
7 the endangered species. Some of them use something for  
8 communication. So what happens for five years, six days  
9 a week, 24 hours a day, we have noise and about half of  
10 that is pounding. So I'm going to try to speak and  
11 continue what they're doing and assume that right now  
12 we're all trying to concentrate on our school lessons  
13 and all the other things that we have to learn right now  
14 in our daily lives, 12 hours a day of this, so please  
15 consider what this does to people who are trying to  
16 learn and grow for five years. These are school  
17 children and many of them are Hispanic. They don't  
18 speak English very well. They don't have the resources  
19 that we have to cope, and we don't know what will  
20 happen. I'm going to continue, and you'll have to try  
21 to figure out what I'm saying.

22         I would like to say what the loss of jobs is  
23 not only temporary jobs that are going to be created but  
24 long-term jobs in agriculture and tourism and all the  
25 jobs that are going to be lost. I think the calculation

1 of long-term jobs should be included. And the issue of  
2 noise again -- I'm going to stop that before my hand  
3 hurts so much.

4 I think one of the issues that is of great  
5 concern to us is what happens to all the mitigation  
6 land. We would like to see fragmentation of habitat  
7 properly evaluated. We would like to see any land that  
8 is taken away from endangered species should be  
9 compensated for equivalent type of land. If you need to  
10 take the valley floor, you need to find valley floor.  
11 Compensating for the valley floor for the animals in the  
12 hills is not going to work out. Another thing is that  
13 we have to see -- I don't know how the Army Corps has to  
14 make sure mitigations are enforced in the long term of  
15 ten to thousands of acres, not three little bridges.  
16 What happens with your bridges?

17 And one question which is kind of curious to  
18 me, I'm not sure the bridge would get permitted by the  
19 California Department of Fish and Game. We don't know  
20 that they would produce the necessary stream alteration  
21 project for those bridges and what happens if they  
22 don't, do you still maintain jurisdiction of the entire  
23 valley or do we have what should have been done all  
24 along which is Section Ten. I think I'm going to stop  
25 with -- I will be submitting comments a well in

1 writing. Thank you.

2 MR. JOHNSON: Thank you very much. Is there  
3 anybody else who would like to speak?

4 MS. COROTTO: May I say something?

5 MR. JOHNSON: Can you say your name for the  
6 record?

7 MS. COROTTO: My name is Nenette Corotto.  
8 Rancho Dela Lunaga directly south of the main project.  
9 You heard Shani pounding on the table. When I was first  
10 married and lived here in the south side, they put a  
11 well in, and they didn't drill it. They beat it in. I  
12 can tell you first hand, it drove me out of my mind. It  
13 was about a month that they were drilling or pounding on  
14 this well. I threatened to move back to town. It was  
15 unbearable and until you have actually lived with it, I  
16 think it was 11 hours a day that we had it, and it was  
17 in front of my house. And it was necessary. We weren't  
18 objecting to the well, but the sound was unbelievable  
19 hour after hour after hour. So until you have  
20 experienced that you have no idea the emotional impact  
21 it has but I do, and I have to tell you it was horrible.  
22 Thank you.

23 MR. JOHNSON: Thank you. Okay, I'll remind you  
24 guys again that if you didn't want to speak tonight  
25 doesn't mean you've given up your opportunity to provide

1 input. We want to hear it. You can grab cards on the  
2 way out if you'd like, and it has all the contact  
3 information. Katerina Galacatos is the project manager  
4 at the Corps here in back of the room, and she will be  
5 the person who will be receiving these. Okay, we are  
6 scheduled to be here until 8:00 o'clock. And so if  
7 nobody has anything else to add on the record, you can  
8 come catch one of us. It won't be on the record, but  
9 you catch us. We will be here.

10 UNKNOWN FEMALE SPEAKER: Close of comment  
11 date?

12 MR. JOHNSON: September 7th.

13 UNKNOWN FEMALE SPEAKER: Thank you.

14 MR. JOHNSON: Again from the interaction if you  
15 guys want to have questions with any of the folks if you  
16 come up with additional comments you'd like to add, you  
17 will have the opportunity.

18 MR. RONNEBERG: Not that I want to see this  
19 happen but being one that always looks at an exit plan  
20 if this thing is built and then it's 30 years gone by, I  
21 won't be around; I hope I am, but I don't really think I  
22 will be. Who takes it out? Who pays for it? Who  
23 cleans it up and who would even believe that what was  
24 there today. Now would it ever, ever be back the way it  
25 was afterwards? I mean you've got bridges. You've got

1 supposedly a power station just going to sit there.  
2 Pull all these beams out of the ground and do what with  
3 it? Fill it in a landfill? I mean why? And how much  
4 CO2 is actually being produced to build the plant? They  
5 talk about how much they're going to save, how much do  
6 they produce to build it? How much does it take to  
7 repair the roads? How many tires get worn out on the  
8 trucks? How many engines are going to have to be  
9 rebuilt after five years? What's the impact of all the  
10 ancillary things have to go on. They may talk just  
11 about the project itself. But if you've ever watched  
12 who destroyed the electric vehicle and you look at the  
13 electric vehicle how much cleaner it is to work on  
14 versus the mechanic over there that has to rebuild an  
15 engine and all the solvents and the cleaners and all the  
16 things that go on, you realize the electric vehicle made  
17 a lot of sense. Here we're talking about tons and tons  
18 of huge equipment for five years building these things.  
19 Is five years worth of equipment going to be mitigated  
20 for five or ten years of solar panels? So you look at  
21 the efficiency of wind machines or natural gas,  
22 turbines, efficiency of those systems is actually much,  
23 much higher and they produce a lot less pollution over  
24 all. I just drove through thousands of wind generators,  
25 that's pretty nice. One wind generator produces umpteen



1 mega watts versus how many panels do you need? I just  
2 don't think this is a project that really get down to it  
3 somebody's going to make some money and a lot of  
4 people's lifestyles they live there for a reason, I live  
5 out there for a reason. It won't be there anymore.  
6 Thank you.

7 MR. JOHNSON: Okay. Thanks, folks. We'll be  
8 here if you have questions. Did you have something you  
9 wanted to say for the record?

10 MS. MATEJCEK: Yes, I do.

11 MR. JOHNSON: Please state your name. We have  
12 a court reporter, so state your name and if you have --

13 MS. MATEJCEK: I see her working hard over  
14 here. Do I need to hold that?

15 MR. JOHNSON: Yeah, you have to hold it fairly  
16 close to your mouth.

17 MS. MATEJCEK: Most people can hear me a block  
18 away. My name is Patricia Matejcek. Since I drove from  
19 the coast to come to this meeting, a little closer than  
20 the one in Paicines, I might as well use this  
21 opportunity.

22 I, first of all, would like to ask the  
23 question, I'm part of a group that has a long history of  
24 involvement with the San Benito slash Pajaro River, and  
25 I'm a little curious since we can't get your agency to

1 really step up and really engage in our lower river  
2 issues, I'm really curious how it is that you're way out  
3 here to the east in San Benito County in the upper part  
4 of the watershed when we're the ones who get flooded?  
5 That's going to be something you can answer later,  
6 that's sort of what I want to put out there.

7           Because this is basically all the same  
8 watershed, and I'm here as a lower watershed  
9 representative tonight, these ideas of stream alteration  
10 permits, the increased runoff, the issue that we have  
11 been approaching our two -- there are four counties  
12 involved in this watershed, San Benito, Santa Clara,  
13 Santa Cruz and Monterey and the political body that  
14 assembles them all is the Flood Prevention Authority,  
15 and we have a long history of interfacing with this  
16 group on these issues as well as a whole, all the 27  
17 agencies that are involved in administering this  
18 watershed, the nature conservancy as well. There are  
19 five NGOs involved and a whole regional conservation  
20 plan, and we all speak the language and understand the  
21 need for energy conservation but one of the things  
22 across my E-mail today was a piece that came out from  
23 the University of Florida and throughout their entire  
24 campus they have installed these tables and umbrellas  
25 throughout the whole public area that have solar panels

1 on the roof of these units, and you can hook in all of  
2 your electronic devices to a unit on these kinds of  
3 tables. So from my personal preference, I think that  
4 our true solution is that energy needs to be produced  
5 closer to where it's consumed whether that means roof  
6 top solar. It means that every acre and half of asphalt  
7 parking lot for every large grocery store, every  
8 shopping center should have, you can call them shade  
9 panels, but that's where the solar should be. It should  
10 be closer, not facing the incredible loss through  
11 transmission whether we're talking the Moss Landing  
12 Power Plant, Morro Bay, that type of 1950s construction,  
13 that sort of thinking or this kind of facility. It's  
14 not really getting to the issue of people live and work  
15 one place and mining rural areas whether you're mining  
16 them for minerals or mining them for timber or mining  
17 them for energy and displacing local businesses, schools  
18 everything else for the convenience of people miles away  
19 who have no feeling for this is not helping people feel  
20 in a direct way the impacts of their energy requirements  
21 and that's part of the solution. If all you do is flip  
22 a switch and the pollution happens in Moss Landing, so  
23 what? If all you do is get in your car and turn the  
24 key, and who cares what happens in the Gulf of Mexico.  
25 That paradigm is not working for the world anymore. It

1 is so not working.

2 So I would really like to know how, number one,  
3 your agency gets tagged when we have begged and pleaded  
4 and expected and had deadline after deadline from your  
5 agency of some document coming forward for how to  
6 address our flood potential in the lower watershed and  
7 you're talking about stream alteration, land farm  
8 alterations, lots of things that are going to increase  
9 the runoff and the rate of runoff heading our way.

10 I'm also a bird freak, and there's a really  
11 wonderful following that gets me to understand that  
12 number one I'm not alone. There's tons of people every  
13 single day are all through our sloughs and wetlands, all  
14 over the Santa Cruz mountains. Out here there's an  
15 enormous bird festival that has grown astronomically  
16 every single year, and we use Moss Landing. We use the  
17 Elkhorn Slough. There are field trips out into this  
18 part of the country. There certainly are winter trips  
19 for the migratory species. This is under appreciated  
20 but strongly supported activities that happens on these  
21 lands. These are not empty lands. These are not empty  
22 landscapes. These are not devoid of human presence,  
23 human economic impact or human interests. So this seems  
24 a bit far afield I know about the Corps and its mission  
25 pretty much dedicated to water bodies and wetlands so I

1 am mystified as to how this landed on your agency's  
2 desk, but I really want your comments to address the  
3 myriad impact to the life forms that actually require  
4 these lands. This is a really strategic migration  
5 corridor which is why the nature conservancy is  
6 interested here. They're acquiring conservation rights  
7 because this is the neck between not just the coast as  
8 in those coastal counties but in the San Joaquin Valley  
9 and through the San Joaquin Valley into the grape  
10 valley. There aren't other options. Henry Coe may be a  
11 state park, but it's not an option for these species.  
12 You're sort of right at the neck, and I would ask you  
13 not to strangle it. Thank you.

14 MR. JOHNSON: Okay. Anybody else? Last  
15 chance.

16 All right, thank you guys for coming and like I  
17 said we'll be around for a little bit.

18 (Whereupon the proceedings concluded at 7:51.)  
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1 STATE OF CALIFORNIA)

2 ) ss.

3 COUNTY OF MONTEREY )  
4  
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6

7 I, LISA R. MAKER, Certified Shorthand Reporter of  
8 the County of Monterey, State of California, do hereby  
9 certify that the foregoing pages, 1 through 54, comprise  
10 a full, true and correct transcription of my  
11 stenographic notes in the aforementioned case of the  
12 proceedings held on August 22, 2012.  
13  
14  
15

16 Dated this 21st day of September, 2012.  
17  
18

19 \_\_\_\_\_  
20 LISA R. MAKER, CSR 7631  
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